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Michael Richard Lynch*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

| Case No.: 3:18-cr-00577-CRB

Plaintiff,

Judge: Hon. Charles Breyer

VS.

MICHAEL RICHARD LYNCH and
STEPHEN KEITH CHAMBERLAIN

**DECLARATION OF DANIEL S. SILVER IN
SUPPORT OF DEFENDANT MICHAEL
RICHARD LYNCH'S MOTION FOR
ISSUANCE OF SUBPOENAS PURSUANT
TO FEDERAL RULE OF CRIMINAL
PROCEDURE 17(c) AND TO COMPEL THE
GOVERNMENT TO PRODUCE *BRADY*
MATERIAL**

Defendants.

Date: November 29, 2023
Court: Courtroom 6 – 17th Floor
Date Filed: November 14, 2023
Trial Date: March 18, 2024

DECLARATION OF DANIEL S. SILVER IN SUPPORT OF DEFENDANT MICHAEL RICHARD LYNCH'S MOTION FOR ISSUANCE OF SUBPOENAS PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE

DECLARATION OF DANIEL S. SILVER

I, Daniel S. Silver, declare as follows:

1. I am an attorney licensed to practice law in New York and a partner at the law firm of Clifford Chance US LLP, counsel for the defendant Michael Richard Lynch.

2. I have knowledge of the facts set forth herein, and if called upon as a witness to testify thereto, I could do so competently under oath.

3. Attached hereto as Exhibit 1 is a Subpoena to Hewlett Packard.

4. Attached hereto as Exhibit 2 is a Subpoena to PricewaterhouseCoopers.

5. Attached hereto as Exhibit 3 is a Subpoena to Deloitte LLP.

6. Attached hereto as Exhibit 4 is a Subpoena to Ernst & Young.

7. Attached hereto as Exhibit 5 is a true and correct copy of an excerpt of Meg

Whitman U.K. Testimony, Day 26, Autonomy Corp. Ltd. v. Lynch, Claim No HC-2015-001324
(High Court of Justice, Chancery Division, London, U.K.) (Bates labeled as HP-SEC-02934078).

8. Attached hereto as Exhibit 6 is a true and correct copy of an email from Christina Sagemueler to Nitin Kher (June 13, 2012, 08:58) (Document ID as POS00333618)).

9. Attached hereto as Exhibit 7 is a true and correct copy of an email from Mike Lynch to Bill Veghte (April 26, 2012, 11:01) (Document ID as POS00290450)).

10. Attached hereto as Exhibit 8 is a true and correct copy of an email from James Drake to Randy Cairns (Sept. 11, 2012, 06:50) (Document ID as POS00371006)).

11. Attached hereto as Exhibit 9 is a true and correct copy of a memo drafted by Betsy Branch (July 31, 2012) (Bates labeled as HP-SEC-00253796).

12. Attached hereto as Exhibit 10 is a true and correct copy of an excerpt of Cathie Lesjak U.K. Testimony, Day 27, Autonomy Corp. Ltd. v. Lynch, Claim No HC-2015-001324 (High Court of Justice, Chancery Division, London, U.K.) (Bates HP-SEC-02934147)).

13. Attached hereto as Exhibit 11 is a true and correct copy of an excerpt of Cathie Lesjak U.K. Testimony, Day 28, Autonomy Corp. Ltd. v. Lynch, Claim No HC-2015-001324 (High Court of Justice, Chancery Division, London, U.K.) (Bates HP-SEC-02934173)).

1 14. Attached hereto as Exhibit 12 is a true and correct copy of an email from Meeta
2 Sunderwala to Lynda Wong, Kathryn Harvey, and John Blank (October 6, 2012, 15:26) (Bates
3 labeled as HP-SEC-00685589).

4 15. Attached hereto as Exhibit 13 is a true and correct copy of a presentation prepared
5 by HP employees on or about October 21, 2012 (Bates labeled as HP-SEC-00849834).

6 16. Attached hereto as Exhibit 14 is a true and correct copy of an email from Meeta
7 Sunderwala to Andy Johnson, Manish Sarin, and Erin Kim (October 23, 2012, 12:36) (Bates
8 labeled as HP-SEC-00213658).

9 17. Attached hereto as Exhibit 15 is a true and correct copy of an email from Meg
10 Whitman to Cathie Lesjak (October 24, 2012, 16:02) (Bates labeled as POS00388360).

11 18. Attached hereto as Exhibit 16 is a true and correct copy of an email from Meg
12 Whitman to Cathie Lesjak with redactions applied (October 24, 2012, 16:02) (Bates labeled as
13 HP-SEC-02156066).

14 19. Attached hereto as Exhibit 17 is a true and correct copy of a presentation given by
15 Cathie Lesjak, and George Kadifa (October 24, 2012) (Bates labeled as HP-SEC-01571600).

16 20. Attached hereto as Exhibit 18 is a true and correct copy of an HP Press Release
17 (November 20, 2012) (Bates labeled as HP-SEC-00246151).

18 21. Attached hereto as Exhibit 19 is a true and correct copy of HP's Form 8-K
19 (November 20, 2012) (Bates labeled as HP-SEC-00342904).

20 22. Attached hereto as Exhibit 20 is a true and correct copy of a presentation by EY to
21 HP (November 11, 2011) (Bates labeled as HP-SEC-02154253).

22 23. Attached hereto as Exhibit 21 is a true and correct copy of an email from Kathryn
23 Harvey to Meeta Sunderwala, Lynda Wong, and John Blank (October 7, 2012, 17:42) (Bates
24 labeled as HP-SEC-01590124).

25 24. Attached hereto as Exhibit 22 is a true and correct copy of a memorandum
26 prepared by EY for HP (November 5, 2012) (Bates labeled as EY-HP-ALAK-EM-000038).

27 25. Attached hereto as Exhibit 23 is a true and correct copy of a memorandum
28 prepared by EY for HP (December 2012) (Bates labeled as EY-HP-GMX-12-015243).

DECLARATION OF DANIEL S. SILVER IN SUPPORT OF DEFENDANT MICHAEL RICHARD LYNCH'S
MOTION FOR ISSUANCE OF SUBPOENAS PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE

1 26. Attached hereto as Exhibit 24 is a true and correct copy of a chat transcript
2 between Paul Curtis and Antonia Anderson (November 21, 2012) (Bates labeled as HP-SEC-
3 02762566).

4 27. Attached hereto as Exhibit 25 is a true and correct copy of an email from Marc
5 Levine to Cathie Lesjak (November 30, 2012, 19:54) (Bates labeled as HP-SEC-00194420).

6 28. Attached hereto as Exhibit 26 is a true and correct copy of an excerpt of Cathie
7 Lesjak, UK Testimony, Day 28, Autonomy Corp. Ltd. v. Lynch, Claim No HC-2015-001324
8 (High Court of Justice, Chancery Division, London, U.K.).

9 29. Attached hereto as Exhibit 27 is a true and correct copy of an email from Michael
10 Kuczkowski to Henry Gomez, John Schultz, and Cathie Lesjak (December 12, 2012, 16:03)
11 (Bates labeled as HP-SEC-00621850).

12 30. Attached hereto as Exhibit 28 is a true and correct copy of an email from Meeta
13 Sunderwala to Rob Binns, Betsy Branch, and Al Gross (December 11, 2012, 19:23) (Bates
14 labeled as HP-SEC-00253252).

15 31. Attached hereto as Exhibit 29 is a true and correct copy of an email from Rob
16 Binns to Kevin Asher, Betsy Branch, and Marc Levine (November 18, 2012, 15:28) (Bates
17 labeled as HP-SEC-00640934).

18 32. Attached hereto as Exhibit 30 is a true and correct copy of an email from Kevin
19 Asher to Marc Levine, Betsy Branch, Meeta Sunderwala (December 23, 2012, 14:15) (Bates
20 labeled as HP-SEC-01590886).

21 33. Attached hereto as Exhibit 31 is a true and correct copy of an email from Meeta
22 Sunderwala to Betsy Branch (December 12, 2012, 12:23) (Bates labeled as HP-SEC-00252370).

23 34. Attached hereto as Exhibit 32 is a true and correct copy of an excerpt of
24 Christopher Yelland's Testimony, United States v. Hussain, No. CR 16-462 CRB (N.D. Cal)
25 (Apr 17, 2018) (Bates labeled as INVOKED_00158279).

26 35. Attached hereto as Exhibit 33 is a true and correct copy of an email from
27 Christopher Yelland to Josh Drew, Robert Particelli, Paul Roeder, dhales@uk.ey.com, and
28 john.f.tracey@uk.pwc.com (April 3, 2013, 10:58) (Document ID POS00424252).

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36. Attached hereto as Exhibit 34 is a true and correct copy of an email from Rebecca Rossiter to Antonia Anderson (November 26, 2012, 19:09) (Bates labeled as HP-SEC-00755188).

37. Attached hereto as Exhibit 35 is a true and correct copy of an email from Betsy Branch to Michael Flint and Christopher Yelland (November 20, 2012, 15:27) (Bates labeled as POS00403333).

38. Attached hereto as Exhibit 36 is a true and correct copy of a presentation by HP to the SEC given by Leslie Caldwell, Susan Resley, and Martha Stolley (November 16, 2012) (Bates labeled as HP-SEC-02348204).

39. Attached hereto as Exhibit 37 is a true and correct copy of an email from Christopher Yelland to Marc Levine, Roberto Putland, Paul Roeder, Joel Scott, Jeremy Cox, and Rob Binns (June 17, 2013, 12:23) (Document ID POS00428644).

40. Attached hereto as Exhibit 38 is a true and correct copy of an excerpt of Christopher Yelland Testimony, United States v. Hussain, No. CR 16-462 CRB (N.D. Cal) (Apr. 17, 2018) (Bates labeled as INVOKE 00158302).

41. Attached hereto as Exhibit 39 is a true and correct copy of Autonomy Systems Limited Report and Financial Statements for the 10 months ended 31 October 2011 (Bates labeled as HP-SEC-01575611).

42. Attached hereto as Exhibit 40 is a true and correct copy of the Declaration of Brook Dooley, United States v. Hussain, No. CR 16-462 CRB, ECF No. 46 (N.D. Cal) (Apr. 26, 2017).

43. Attached hereto as Exhibit 41 is a true and correct copy of the Cooperation Agreement between Deloitte LLP and the United States Attorney's Office (April 28, 2016) (Bates labeled as USAO 00002668).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed November 14, 2023, in New York, New York.

/s/ Daniel S. Silver
Daniel S. Silver